5431056/2022/VC-HOU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Sri B.Samuel, Assistant Engineer, A.P. State Housing Corporation, formerly at Nuzvid, Krishna District - Departmental proceedings under Rule-20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of charge - Issued.

==========

HOUSING (VIG.CELL) DEPARTMENT

G.O.Rt.No.2 Dt:-12.01.2022

Read:

G.O.Rt.No.277, Housing (Vig.Cell) Department, dated 15.10.2008.

***

ORDER:

The orders issued in the reference read above, are hereby rescinded.

(2) It is proposed to hold an enquiry against Sri B.Samuel, Assistant Engineer, A.P. State Housing Corporation, formerly at Nuzvid, Krishna District, in accordance with the procedure laid down in Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

(3) The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

(4) Sri B.Samuel, Assistant Engineer, A.P. State Housing Corporation, formerly at Nuzvid, Krishna District, is directed to submit, within 10 days of the receipt of this order, a written statement of his defense.

(5) Sri B.Samuel, Assistant Engineer, A.P. State Housing Corporation, formerly at Nuzvid, Krishna District, is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

(6) Sri B.Samuel, Assistant Engineer, A.P. State Housing Corporation, formerly at Nuzvid, Krishna District is further informed that if he does not submit his written statement of defense on or before the date specified in para-4 above or otherwise fails or refuses to comply with the provisions of the Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

(7) Attention of Sri B.Samuel, Assistant Engineer, A.P. State Housing Corporation, formerly at Nuzvid, Krishna District is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representations is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri B.Samuel is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of the Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(8) The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B.Samuel, Assistant Engineer,
A.P. State Housing Corporation, formerly at Nuzvid, Krishna District.(With enclosure)
Through: the Managing Director, A.P. State Housing Corporation Limited, Vijayawada.

The Managing Director, A.P. State Housing Corporation Limited, Autonagar, Vijayawada.
(with a request to serve the order on the individual and furnish the dated Acknowledgement of the served copy to Government, for record)

Copy to:
The General Administration (V&E) Department, Pandit Nehru Bus Station, Viayawada.
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Velagapudi.
Sf/sc.

//FORWARDED::BY ORDER//

P. Gangadhar.
SECTION OFFICER

5431056/2022/VC-HOU01

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI B.SAMUEL, ASSISTANT ENGINEER, A.P. STATE HOUSING CORPORATION, FORMERLY AT NUZVID, KRISHNA DISTRICT.

ARTICLE-I:

That Sri B.Samuel, Assistant Engineer, S/o.B.Lakshmi Tulasi, joined in Corporation on 14.07.1987 as Technical Work Inspector and subsequently he was promoted as Assistant Engineer on 13.11.1991 and while working as Asst. Engineer, Musunuru Mandal from 12.07.2004 to 27.03.2007, committed grave misconduct in as much as he resorted corrupt practices in connivance with the beneficiaries and made irregular payments to them under INDIRAMMA Housing Scheme Phase-I to a tune of Rs.21,77,721-00 and thereby he failed to maintain absolute integrity in violation of the provisions of the Andhra Pradesh Civil Services (Conduct) Rules, 1991.

(2) Thus, Sri B.Samuel, Assistant Engineer by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct un-becoming of a Public servant and thereby contravened rule-3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

ARTICLE-II:

That the said Sri B.Samuel, Assistant Engineer while working as Asst. Engineer, Musunuru Mandal from 12.07.2004 to 27.03.2007, committed grave misconduct in as much as he made payment to the beneficiaries to a tune of Rs.14,55,071-00 without administrative sanction of the Special Officer within a period of one week of the order of grounding by the Collector, Krishna District, directly up to roof cast under two dates i.e., 26.03.2007 and 28.03.2007 and thereby he failed to maintain absolute integrity in violation of the provisions of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(2) Thus, Sri B.Samuel, Assistant Engineer by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct un-becoming of a Public servant and thereby contravened rule-3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

ARTICLE-III:

That the said Sri B.Samuel, Assistant Engineer while working as Asst. Engineer, Musunuru Mandal from 12.07.2004 to 27.03.2007, committed grave misconduct in as much as he engaged private persons in his office duly kept aside the regular Work Inspectors posted under his control and made irregularities with the help of those private persons and he behaved as per his will and wish in the execution of INDIRAMMA Housing Programmes and thereby he failed to maintain absolute integrity in violation of the provisions of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(2) Thus, Sri B.Samuel, Assistant Engineer by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct un-becoming of a Public servant and thereby contravened rule-3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

P. Gangadhar.

SECTION OFFICER

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI B.SAMUEL, ASST. ENGINEER, A.P. STATE HOUSING CORPORATION, FORMERLY AT NUZVID, KRISHNA DISTRICT.

That Sri B.Samuel, Assistant Engineer, S/o.B.Lakshmi Tulasi, is a native of Pathappapatnam Village, Srikakulam Mandal, Srikakulam District. His date of birth is 20.06.1966. He joined in Corporation service on 14.07.1987 as Technical Work Inspector and subsequently he was promoted as Asst. Engineer on 13.11.1991. He is drawing basic pay of Rs.6,150/- in the time scale of Rs.5,000-10,600/-. He is due to retire from service on superannuation on 30.06.2026. He is hereinafter referred as Public Servant.

2. Pursuance of a petition with allegations of certain irregularities in implementation of INDIRAMMA Housing Scheme of Phase-I & II in 7 Villages viz., (1) Surepalli, (2) Balive, (3) Yellapuram, (4) Chintalavalli, (5) Korlagunta, (6) Chillaboinapalli, and (7) Lopudi of Musunuru Mandal of Nuzvid Constituency, Krishna District, the Vigilance & Enforcement Department took up enquiry.

3. According to the guidelines issued for implementation of Housing Programme of INDIRAMMA vide G.O.Ms.No.78, Housing (RH.1) Dept., dated 06.12.2005 (1st Phase of 2005-06) and G.O.Ms.No.15, Housing (RH.1) Dept., dated 08.05.2006 (2nd Phase of 2006-07), the main eligibility criterion is that the beneficiary should have an income of up to 20,000/- per annum. The beneficiary can have either a site of his own with possession certificate / patta certificate (preferably in the name of his wife on in the name of wife and husband), or inherited site for which District Collector issues possession certificate. In the absence of either of the certificates, the District Collector acquires / purchases land and distributes patta in the name of the beneficiary. It has also been mentioned that the land should not be in low-lying areas. The guidelines make clear that the Asst. Engineer and Work Inspector concerned are responsible and that they should ensure that the selected beneficiary is one who has not previously received housing benefit under any other scheme. The benefit should be limited to 'one houses to one family'. It has also been laid down that the District Collector concerned should approve the eligible list of beneficiaries as well as accord the administrative sanction and monitor the progress on weekly basis.

4. Wide publicity has been given through local language by means of pamphlets by the Andhra Pradesh State Housing Corporation Limited, which contains the design of the house proposed to be constructed and more of payment i.e., 40% of Basement Level to Lintel Level, 10% for Lintel Level to Roof Level, 35% for Roof Cast and the remaining 15% to final finishing and completion. The eligibility of the beneficiaries is limited to the age group above 18 and below 60 years.

INDIRAMMA Housing Scheme - Phase-I:

5. During the enquiry, it is revealed that under Phase-I of INDIRAMMA Housing Scheme, total beneficiaries in 7 Villages are 1170 and administrative sanction was also accorded. During the physical verification, Village wise irregularities were noticed as follows:

(1) Surepalli: In 45 cases, payments were made to old and already existing houses, one house was found to be AC roof shed, in 25 cases work was not commenced as yet but payments were already made, 3 houses were build in smaller plinth area than stipulated, 2 cases were actually godowns, while in 6 cases the beneficiaries were Pink Card Holders, who are not eligible, thus in all 82 cases implementation is dubious and irregular causing loss of Rs.9,09,590/- to Government.

(2) Balive (V): In 22 cases payments were made for works not commenced, in 2 cases, the structure was lavishly build beyond the stipulated specifications, in 2 more cases, they were Godowns and in 4 cases the beneficiaries were Pink Card holders, thus in all 30 cases of implementation in the name of beneficiaries were found to be irregular, causing loss to a tune of Rs.1,08,752/-.

(3) Yellapuram (V): In 1 case payment was made for old house, in 2 cases work was not commenced as yet and 1 was a Tractor Shed, thus in all 4 cases of irregular implementation was found, causing loss to a tune of Rs.48,130/-.

(4) Chintalavalli (V): Payments were made in 16 cases to old houses, in 19 cases to altered houses, in 1 case to SC&OC beneficiaries who constructed one conjoined house instead of two houses, in 13 cases to beneficiaries above 60 years of age and in 12 cases to Pink Card Holders, in all 61 beneficiaries, causing a loss to a tune of Rs.7,18,412/-

(5) Korlagunta (V): In 4 cases payments were made for altered houses, in 9 cases the beneficiaries were aged above 60 years, amounting to 13 irregular cases causing loss to a tune of Rs.1,96,900/-.

(6) Chillaboinapalli (V): In 4 cases payments were made for old houses, in 1 case to an altered house, in 17 cases work was not commenced as yet, in 4 cases the beneficiaries were aged above 60 years and in 2 cases the beneficiaries were Pink Card Holders, in all 28 irregular cases, causing loss to a tune of Rs.66,767/-.

(7) Lopudi (V): Payments in 2 cases were made to old houses, in 5 cases to altered houses, in 2 cases work was not commenced as yet, in 1 case to a house built in smaller plinth area than stipulated, in 7 cases to beneficiaries of above 60 years of age and in 1 case to a Pink Card Holder, in all 18 irregular beneficiaries, causing loss to a tune of Rs.1,29,170/-.

6. Abstract of village wise irregularities and payment made under Phase-I as follows:

Sl.No.	Name of the village	Old houses included in the scheme	Altered houses included in the scheme	AC Sheet sheds	Not commenced work and payments made	Lavishly built and payments made / Small built and payments made	Built for other purposes (Godown Garage)	Above 60 years of age	Pink Card holders	Total irregularities	Total payment made as per M.Book Rs.
1	Surepalli	45	0	1	25	0/3	2	0	6	82	9,09,590
2	Balive	0	0	0	22	2/0	2	0	4	30	1,08,752
3	Yellapuram	1	0	0	2	0/0	1	0	0	4	48,130
4	Chintalavalli	16	19	0	0	0/0	1	13	12	61	7,18,412
5	Korlagunta	0	4	0	0	0/0	0	9	0	13	1,96,900
6	Chillaboinapalli	4	1	0	17	0/0	0	4	2	28	66,767
7	Lopudi	2	5	0	2	0/1	0	7	1	18	1,29,170
	Total	66	29	1	67	2/4	6	33	28	274	21,77,721

7. The said irregular payments were made by the said Public servant as per M-Book for Phase-I worked out to Rs.21,77,721/-, duly excluding material cost (cement, steel) worth Rs.1,79,527/-.

INDIRAMMA Housing Scheme - Phase-II:

8. During the enquiry, it is also came to light that the Public servant made payment amounting to Rs.14,55,071/- to the beneficiaries in Phase-II of the INDIRAMMA Housing Scheme within one week of the order of grounding by the District Collector, Krishna (order is dated 20.03.2007 and disbursal dated 26.03.2007 and 28.03.2007) without even an administrative sanction from the Collector, leave alone commencement of work. Further, the said Public servant released amounts corresponding up to roof cast cost thus skipping a couple of phases of payments schedule laid down in the guidelines. In this context, it is significant that instated of taking the assistance of Sri B.Chinni, Work Inspector, Musunuru, who is required as per job chart to assist him, the Public servant preferred to utilize the services of private persons for supervising the works of the scheme in the Mandal, while keeping Sri B.Chinni as a godown keeper. The payments made by the said the Public servant as per M-Book worked out to Rs.14,55,071/- were irregular and violating the guidelines issued with reference to INDIRAMMA Housing Scheme issued vide G.O.Ms.No.15, Housing (RH.I) Department, dated 08.05.2006.

9. Thus, the Public servant by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct un-becoming of a Public servant and thereby contrived rule-3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

10. The Public servant has therefore rendered himself liable for regular departmental action for major penalty.

11. Hence, the charges.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

P. Gangadhar

SECTION OFFICER

5431056/2022/VC-HOU01

ANNEXURE - III

STATEMENT SHOWING THE LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. SAMUEL, ASST.ENGINEER(H), A.P. STATE HOUSING CORPORATION, FORMERLY AT NUZVID, KRISHNA DISTRICT, ARE PROPOSED TO BE SUSTAINED.

1. Guidelines for implementation of INDIRAMMA Pathakam 2006-07.
2. Telugu pamphlet of Andhra Pradesh State Housing Corporation Limited.
3. Proceedings of the Collector, Krishna in Rc.No.182/E1/IND/2007, dated 29.05.2007.
4. Abstract of beneficiaries under INDIRAMMA Pathakam Phase-I of Musunuru Mandal furnished by ATWI, Musunuru (M).
5. Copy of list of beneficiaries (232) of Surepalli (V).
6. Copy of list of beneficiaries (132) of Balive (V).
7. Copy of list of beneficiaries (84) of Yellapuram (V).
8. Copy of list of beneficiaries (294) of Chintalavalli (V).
9. Copy of list of beneficiaries (174) of Korlagunta (V).
10. Copy of list of beneficiaries (105) of Chillaboinapalli (V).
11. Copy of list of beneficiaries (159) of Lopudi (V).
12. Copy of Joint Inspection Report dated 31.05.2007 of Surepalli Village.
13. Copy of Joint Inspection Report dated 01.06.2007 of Balive and Yellapuram Villages.
14. Copy of Joint Inspection Report dated 02.06.2007 of Chintalavalli Village.
15. Copy of Joint Inspection Report dated 04.06.2007 of Korlagunta and Chillaboinapalli Villages.
16. Copy of Joint Inspection Report dated 05.06.2007 of Lopudi Village.
17. Copy of letter in Rc.No.1/MSNR/2007, dated 05.06.2007 of Sri V.S.N.Raju, ATWI, Musunuru (M) - regarding details of payment of INDIRAMMA Phase-II villages, Musunuru (M) viz., Musunuru-19, Chekkapalli-33 and Gudipudi-6 by Sri B.Samuel, A.E. Musunuru (M).
18. Acknowledged copy of Abstract of Village wise irregularities and payments made under Phase-I INDIRAMMA Pathakam by Sri B.Samuel, A.E. dated 11.06.2007.
19. Expenditure particulars statement of INDIRAMMA Phase-I furnished by Sri V.S.N.Raju, ATWI, Musunuru dated 12.06.2007 containing payment dates (mostly 26.03.2007 & 28.03.2007).
20. Copy of M-Book extracts of INDIRAMMA Phase-I.
21. Copy of M-Book extracts of INDIRAMMA Phase-II.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

P. Gangadhar

SECTION OFFICER

5431056/2022/VC-HOU01

ANNEXURE - IV

STATEMENT SHOWING THE LIST OF WITNESSESS BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. SAMUEL, ASST.ENGINEER(H), A.P. STATE HOUSING CORPORATION, FORMERLY AT NUZVID, KRISHNA DISTRICT, ARE PROPOSED TO BE SUSTAINED.

1. Sri V.S.N. Raju, ATWI, Musunuru Mandal.
2. Sri G. Radha Krishna, AE, PR, Mylavaram
3. Sri B.Chinni, Work Inspector, Musunuru Mandal.
4. Sri P.Chandra Sekhar Rao, D.M. (Housing), Krishna, Machilipatnam.
5. Sri G.N.Seshu Babu, Dy.E.E., O/o. the M.D., A.P.S.H.C.L., formerly worked at Nuzvid.
6. Sri E.Srinivasa Rao, Dy.E.E., Vijayawada, formerly FAC Dy.E.E., Nuzvid.
7. Sri G.Siva Kumar, M.R.O., Musnuru Mandal.
8. Sri K.Suvarna Raju, M.P.D.O., Musnuru.
9. Sri M.Madhusudhana Rao, Dy.S.P., Vigilance & Enforcement, Vijayawada.

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

P. Gangadhar

SECTION OFFICER